

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2013 MAR 28 PM 2:41

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY QW

MICHAEL HAENDEL,
Plaintiff,

-vs-

Case No. A-13-CA-007-SS

M. DIGIANTONIO and THOMAS EATON,
Defendants.

ORDER

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and specifically the "Plaintiff's Notice of Interlocutory Appeal" [#25 filed March 22, 2013], and the plaintiff Haendel's "Second Motion to Compel Mediation" [#26 filed March 22, 2013], and thereafter, enters the following:

The Court has already overruled on March 26, 2013 the plaintiff's "Motion to Compel Mediation" [#22] and, therefore, DISMISSES the plaintiff's "Second Motion to Compel Mediation."

Regarding plaintiff's Notice of Interlocutory Appeal, there is no justiciable issue for any appeal in this record and, therefore, any attempted appeal would be wholly frivolous and without merit, filed in bad faith for the purposes of delay and harassment.

IT IS THEREFORE ORDERED that the Court will not permit any appeal at this time in forma pauperis and any appeal at this time pursuant to the Notice of Interlocutory Appeal will require Michael Haendel to pay the filing fee for the filing of this lawsuit as well as the

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filing fee to the United States Court of Appeals for the Fifth Circuit for any interlocutory appeal.

IT IS FINALLY ORDERED that the parties shall comply with the scheduling order signed on March 26, 2013.

SIGNED this the 28th day of March 2013.


UNITED STATES DISTRICT JUDGE